

THE
CASE
Unsuccessful
DUNKIRK

Faithfully Stated,

AND

IMPARTIALLY CONSIDERED.

By a Member of the House of Commons.



10

LONDON:

Printed for A. MOORE, 1719. [Price Six-pence.]

W. Musgrave.



T H E

Case of *DUNKIRK*, &c.

IT is of so great Importance to this Nation that *Dunkirk* should continue in that demolish'd, ruin'd Condition, to which it was reduced in Consequence of the *Treaty of Utrecht*, that we cannot be surpriz'd at the great Uneasinesses and Complaints, since the Publick became acquainted with the Progress the *French* have been suffer'd to make towards restoring that *Port* and *Harbour*.

The Consideration of this Affair hath been brought into Parliament; where, tho' it has not met with Censure, it has not met with Approbation. The Wisdom of the Commons did not think fit, in a Conjunction, represented to be so critical, to speak in Form on what has passed. They contented themselves, for the present, with thanking his Majesty for the Instances he made to *France*. The Issue of these important Affairs is still depending, and may probably occasion a farther Enquiry.

In the mean Time, it must be of Service to inform the Publick, more particularly than has been yet done, of the whole Transactions hitherto relating to it. My Intention therefore is, agreeably to the Title prefix'd to these Papers, to state, as exactly as I am able, the Sum of what has passed in the Disputes about the *Demolition* of *Dunkirk*, from the *Treaty of Utrecht* to the last Session of Parliament; and to make such Observations on the Conduct of *Great Britain* and of *France*, as seem to my best Judgment obviously and undeniably to result from the Series of Facts.

I do not sit down to write with a Design to flatter or to asperse any Person whatsoever. But I shall follow the Matter before me, and according as I am led by it, I shall commend or blame with all that Freedom, which the Subjects of this Kingdom are still in Possession of, and which I hope we shall never resign, as long as there remains a Tongue to speak, and an Hand to act in *Great Britain*.

He who attacks a Minister, or any other Man, without sufficient Foundation, is certainly guilty of a very great Crime. But he, who attacks with Fact and Reason on his Side, is so far an honest Man and a good Subject. His Writings are no Libels. That odious Term belongs to those, which are published against him,

Who I am that undertake this Task may, perhaps, be the Object of some People's Curiosity. But that is a Matter of no Importance to the Merits of the Cause. Let them examine the Facts I advance, and weigh the Arguments I employ, and the Observations I make. If the first are not founded in Truth, and the others in Reason, let them triumph in my Defeat, whoever I am. But if the first will bear the Touchstone, and if the others preponderate in the Scale, let them not submit to me, but let them submit to Truth and Reason, by whomsoever presented to them.

I do not apprehend, that any of our *political Writers* will be in the Case of triumphing on this Occasion; and I am very sure that many of them will not submit even in the other Case. When Argument fails, they have Recourse to their usual Topics of Ribaldry and Adulation. I shall very probably be a *squat, fair Gentleman* in one Paper; a *petit Maitre* of Fifty in another; and *Somebody* else in a Third; for each of these Authors supposes the Man he writes against to be the Person he has the most Mind to rail at, or is best paid for railing at. Our Ministers will be *Heroes* in all; the *profoundest Statesmen*; the *most disinterested Patriots*; and our *flourishing Condition at Home*, as well as the *noble Figure* we make *Abroad*, will be the Subject of much Declamation.

Now all this will do little Hurt and little Good, either to the Persons scratched, or to the Persons tickled. But it would do a great deal of Hurt to the Publick, if it should divert, in any Degree, that national Spirit, with which the Case of *Dunkirk* ought to be consider'd.

Among all the Artifices which are employed to keep Mankind from seeing and embracing the Truth, no one is more gross, and there is but one more prevalent, than that of turning their Eyes from Things to Persons. If a false Heart, a foul Tongue, and a Front of *Brass* can create Prejudices against the most innocent Man alive, the bare Suspicion that such a Man is of an Opinion, shall be urged as an Argument against it, and on that solid Foundation it shall be established that Two and Three are not equal to Five. But this is not all; for as Prejudices are applied to this Purpose, so are Partialities. In Cases, where private Honour and publick Justice are both concerned, the Consequence of hurting a Man, in whose Favour we have been made to entertain an habitual, though groundless Partiality, is sometimes press'd as a Reason for complying with neither. These Mischiefs, like many others, are chiefly to be found where *Parties* have long prevailed; and it often happens that they continue to have some Effect, even when the Parties subsist no longer, and among those, who have

have all the same Views, because they have all the same Interests.

Whether any Attempts like these have been lately made to influence particular Men in the Case of *Dunkirk*, I shall not determine. But it cannot be amiss to warn against them at all Times, and especially when we see so much Pains taken to keep these Prejudices and these Partialities alive.

I have now done with my Preface, which may be thought too long. I wish it could be thought unnecessary.

WHETHER the Demolition of *Dunkirk* does, in a great Measure, secure exactly * Seven-ninths of the Trade of *England* from the Power of *France* at Sea, as it has been asserted, I shall not trouble my self to calculate, neither shall I examine nicely how far this Port may justly be deem'd our Rival in Time of Peace, by supporting some considerable Branches of the *French* Manufactures, and by carrying on a Trade to the *West-Indies*, which has been insisted upon likewise. In general, it will not be denied, that the *French* have annoy'd our Trade, and promoted their own extremely, by the convenient Situation and other Advantages of the Port of *Dunkirk*.

To make therefore a true Judgment in the present Case, it is sufficient to lay a Foundation, which few Men will attempt to controvert, and which no Man can controvert, without exposing himself to Ridicule, or to something worse than Ridicule, to the Abhorrence of every honest Heart.

The Foundation I mean to lay is contain'd in these Propositions.

First, The declared Sense of the *British* Nation, at the Time of making the last Treaty of Peace with *France*, was, that *Dunkirk* should be no more either a fortified City, a fortified Port, or even an unfortified Harbour.

Secondly, *France* consented to the Demolition of *Dunkirk* in this Sense, and engag'd never to restore it again in any one of these Respects.

These Propositions are fully proved by the 9th Article of the Treaty of *Utrecht*: By which Great Britain required, and *France* consented, that all the Fortifications of the City of *Dunkirk* should be razed; Those towards the Sea in two Months, Those towards the Land in three Months. Thus far the Article stipu-

* *Vide* Sir Richard Steele's Writings about *Dunkirk* in the late Queen's Reign.

lates the *Demolition of Dunkirk as a fortified City, and as a fortified Port*, and if no more had been intended, no more would have been said; but the *Article* says a great deal more; it says, expressly, that *the Harbour shall be filled up, and that the Sluices or Moles, which serve to clean the Harbour shall be levelled*. The naked Harbour it self was therefore to be destroy'd as well as the Fortifications towards the Land and towards the Sea. After all these Stipulations follows *this express Condition, That the said Fortifications, Harbours, Moles, or Sluices be never repair'd again*. So that France has never had, since the *Treaty of Utrecht*, nor can have, while that Treaty subsists, any more Right to open, or by Reparations to help to open the Harbour of *Dunkirk*, than she has to re-build the Fortifications of that City, and to render it in every Respect what it was before the Demolition.

The late Queen *Anne* was so solicitous to have this principal Part of the Article, for such it was then esteem'd, effectually perform'd, that when she sent her Commissioners to *Dunkirk* to see the Demolition of that Place executed, she gave them the most particular Instructions imaginable on this Head. They were not only to see the *Moles*, and *Jettees*, and *Keys*, and *Sluices* demolished, but they were to see the *Stones* belonging to them, even the *Stones of the Keys* for shipping and unshipping Goods, thrown into the Canal or Harbour, the more effectually to spoil the same, and render it impracticable for the future. They were to see the Channel of each Sluice fill'd up with Earth from the next Rampart, till it was made level with the Streets. Nay, they were to see the Road, which lies before the Entrance of the Harbour, spoil'd as much as possible; and the Reason for this particular Instruction is there given, *so prevent as much as possible any Ships coming in for the future*.

The late King of France had tried, by his Ministers at *Utrecht*, and even by a direct and strong Application from himself to the late Queen, while the Treaty was in Negotiation, to have the Rigour of the Ninth Article in some Degree softened. He did not desire that any thing, which had been erected to fortify the Town, or make and preserve the Harbour, should be spared, but hoped and pressed, that the Queen would allow one Sluice to be left, which had been erected, as it was then pretended, by the People of the Country, before he fortified the Place, to carry off the Waters, and save the low Lands from Inundations. Even this Application prov'd fruitless. The Article was insisted upon, and was accordingly passed without any Exception.

Not discouraged by this, the Inhabitants of *Dunkirk* sent over a Deputy, who was warmly supported by the Ambassador

bor of France. Several fresh Instances were made, and all Endeavours were used to move the Queen's Compassion, by desiring, as a Grace, what they pretended no Right to by Treaty, *that the Sluice of Farnes at least might be preserved, to carry the Water off from the Country, and, to preserve the Town from Filth, Stench, and the Consequence thereof, Infection.*

But the Queen, who was resolved that *Dunkirk* should have neither a *fortified Port*, nor even a *naked Harbour*, knew by the Reports of her Commissioners, that Mr. *Armstrong*, one of their Number, absolutely denied the Necessity of preserving those Sluices, in order to discharge the Waters of the Country. She was informed likewise, by the Report of the same Commissioners, that *if any of the Sluices remained, it would be impossible to prevent the Harbour from being kept open; whereas if they were all destroy'd, a small Space of Time would effectually fill up the Harbour.* She continued therefore inflexible, and besides several other Answers to the same Effect, given to the French Ambassador, and to the Deputy of *Dunkirk*, upon these Occasions, a Secretary of State was order'd, upon one of them, to write to the *British* Minister at *Paris*, to acquaint that Court, *that the Queen will insist, that by the Treaty, all things are to be destroyed, quæ eluendo portui inserviunt, which serve to cleanse the Harbour. — That no Distinction is therein made of what contributes accidentally, and what directly to this Purpose — That the French Ministers had insisted at Utrecht to have such an Exception inserted in the Treaty; that it was positively refused, and that they submitted — That under a charitable Pretence of saving the Country, the French would save the Harbour — In short, that he must let Monsieur de Torcy feel, and by him the King, that the Queen sees plainly the Correspondence between his Officers and the People of the Town, who are unwilling to lose their Harbour.*

I might descend into more Particulars; but these are, I think, sufficient to establish the two Propositions advanced above. The Intention of the late Queen, and of those who negotiated, by her Orders, the Treaty of *Utrecht*, was to destroy *Dunkirk* for ever, not only as a *Fortress*, but as a *Seaport*. To this the *French* submitted, tho' with much Reluctancy; and in this at least the Ministers at that Time were seconded by the Voice of the whole Nation. Even Those, who opposed that Administration, were ashamed of some weak Attempts made to depreciate this important Article of the *Utrecht* Treaty. They soon took the other Part. They founded high the Consequence of it, and the Necessity of executing it with the utmost Rigour. They were so far from thinking the Demolition of the *Fortifications* to the Land and to the Sea sufficient,

cient, that the *Mole and Harbour* were call'd by them; and I think rightly, *The Terror of the British Nation*. In a Word, they asserted boldly, that nothing less than the total Destruction of the *Harbour*, as well as the Demolition of the *Fortifications*, could answer the Expectations of the *British Nation*.

Such was the Issue of the first Disputes about *Dunkirk*, a little before the Death of the late Queen. The *French* were obliged to proceed to a total Destruction of it, after having in vain employ'd a Multitude of Artifices, and a Multitude of Pretences, to avoid the strict and full Execution of the Treaty of *Utrecht* in this Point.

They turn'd themselves therefore to another Method, and began to cleanse and widen the Canal of *Mardyke*. The Pretences of doing it were the same as had been urged in order to save the Port of *Dunkirk*, under Colour of saving the Country from Inundations. But the plain Design of this Work was to open a new Harbour at *Dunkirk*, and a new Communication with the Sea.

As the Work proceeded, this Design became every Day more evident, by the Breadth and Depth which were given to the Canal of *Mardyke*, and by the enormous Size of the new Sluice, larger than that at *Dunkirk*, and vastly beyond any Proportion that could be pretended necessary for carrying off the Waters, or even for receiving Fisher-Vessels, and other small Craft.

As the Design became more evident, the Representations against it became more frequent and strong. But the *French* drew the Affair into length, by the common Arts of Negotiation, and in the mean time pursued their Enterprize with all the Vigour and Dispatch imaginable; till the late King, resolving not to suffer so manifest a Violation of the Treaty of *Utrecht*, sent the Earl of *Stair* to the Court of *France*, soon after his Accession to the Crown.

This Minister proceeded on the Principle establish'd at first, and hitherto not once departed from. *The true Sense of the Treaty of Utrecht*, says he, in one of his Memorials, and the Intention of Great Britain is, that *Dunkirk shall never have a Port again*. From whence he argues, that since the Port of *Mardyke* is in its Use a Port to the City of *Dunkirk*, as much as the old one was, the King of *Great Britain* would have liked as well to have had this subside, and only the Name of it changed, as to see another Port, larger and more convenient, opened at a League to the Westward.

The Answers which the Court of *France* made to all these Reparations, were very far from giving Satisfaction; but the Firmness which the Earl of *Stair* shewed, and perhaps the declining

elining State of *Lewis XIVth*, prevail'd on the *French Councils* to stop the carrying on these Works; probably with the same Views as they have acted since, to quiet the present Clamour, and to begin again upon the first Occasion.

Such was the Issue of the second Disputes about *Dunkirk*, when the late King of *France* died. The *French* never departed from their Pretensions, groundless as they were, nor ruined the Works they had made at *Mardyke*. They kept one alive, and only suspended the other.

The late King therefore, instead of dropping the Affair, continued to push it, and to shew that he was determined, at any Rate, to have another sort of Satisfaction than he had yet received.

This Satisfaction he obtained soon after, by a *Provisional Agreement* made with the Minister of *France* at *Hampton-Court*, in the Month of *September* 1716, and inserted in the *Triple Defensive Alliance* concluded at the *Hague* between *Great Britain*, *France*, and the *States General* in *January*, 1717.

The Duke of *Orleans* was now Regent of *France*. His political Interests led him to desire the Friendship of the late King. This Disposition was cultivated and improved on our Parts, and the Union between the two Courts grew to be extremely intimate. But as *Great Britain* and *France* acted in concert like *Friends*, so they acted together in those Days like *Equals*. If we used their Help, we lent them ours. The Dependence was at least mutual, and when our separate Interests came into Competition with theirs, far from fearing to assert our Right, lest we should disoblige our Friends, we treated with them like an *independent Nation*, who knew that it is, or may be always made the Interest of *France* to keep Measures with *Great Britain*, as much as it can become at any time the Interest of *Great Britain* to keep Measures with *France*.

This appeared very remarkably on the Occasion we were mentioning. The Regent was not, I suppose, more scrupulous than the late King of *France*, nor less desirous of regaining any Advantage which had been lost, or given up; and yet he was forced to yield to all that we insisted upon, for the essential Execution of the *Ninth Article* of the *Treaty of Utrecht*.

His late Majesty did indeed at this Time consent, that the Canal opened at *Mardyke*, should subsist, for carrying off the Waters, and for the little Commerce necessary to supply that part of the Country with Provisions. This was a Concession which had not been made before, and which the *French* had not strictly any Right to expect. But surely it was wise to make it in the Manner, and on the Conditions on which it was made.

As long as a King of *France* had the plausible Pretence of saving his Subjects from drowning, or starving, to cover his Designs, it was obvious enough, by all that had passed, that the Design of restoring *Dunkirk*, under this Pretence, would never be laid aside. The late King therefore, in order to defeat the Design once for all, resolv'd to take the Pretence entirely away.

By the Fourth Article of the *Triple Alliance*, the great new Sluice made at *Mardyke*, and all the *Jettees* erected along the Strand, are to be destroy'd, and not to be made use of for any Port, Haven or Sluice at *Dunkirk*, or at *Mardyke*, or at any other Place within two Leagues Distance of either of these; the Intention of the contracting Parties, and the End which they propose to themselves by this Treaty, being, That no Port, Harbour, Fortification, Sluice, or Basen, shall be made or built at *Dunkirk*, at the Sluice of *Mardyke*, or at any other Place whatsoever upon the Coast, within the Distance before mentioned.

By the same Article it was stipulated likewise that the *Digues* or *Jettees*, on both sides of the old Canal or Port of *Dunkirk*, should be entirely demolished down to the Strand, and that some other Things should be further done, which might be necessary to the more compleat Destruction of the Harbour.

This being consented to on the Part of *France*, his Majesty consented that the little Sluice on the Canal of *Mardyke* should remain, provided the breadth of it was reduced to sixteen Foot.

All these Stipulations were made with the greatest Clearness possible; and the most exact Specifications of every thing necessary to render them effectual, are contained in the Treaty.

Such was the Issue of the Disputes about *Dunkirk*, in the Time of the late King; and surely there was good Reason to hope, after the Settlement then made, that we should hear of them no more. The *French* were gratified in two Points, for which alone they contended, at least avowedly; and *Dunkirk* was reduced to be no more a fortified Town, a fortified Port, or even an unfortified Harbour.

But to the great Detriment and Misfortune of our Nation, so it is, that we have greater Reason than ever to renew these Disputes. What the *French* were not suffer'd to attempt by that Administration, which Sir *Richard Steele* call'd the *French Administration*, they have been lately suffer'd to do. Instead of not executing one Treaty fully, they have publickly violated Two. They actually enjoy the Benefit of the Canal of *Mardyke*, which was indulged to them, that there might remain no Colour forever opening that of *Dunkirk*; and in the midst of this Enjoyment, They have opened, They have repaired that

of *Dunkirk*, and contrived their Work so, that whenever they think proper to finish it, *Dunkirk* will be at once a better Harbour than it was, when it stood the Glory of *France*, and the Terror of *Britain*.

I proceed to the particular Facts, which support these general Allegations.

Col. *Lassells*, one of the Commissaries appointed to see the Fourth Article of the *Treaty* of 1717 fully and effectually executed, continued at *Dunkirk* till the Year 1725, that memorable *Æra*, when the *Treaty* of Hanover was made, and from whence so many things, which will not be easily or soon forgot, are to be dated. How this Officer came to be recall'd, just in that critical Point of Time, has not been explain'd. Perhaps we may begin to guess at the Reasons, when we have gone a little farther in the present Enquiry.

It is agreed on all hands, that whilst he continued at *Dunkirk*, the old Port and Harbour remained impracticable, as by *Treaty* they are to remain; and that the little peddling Trade which the *French* had there, was carried on by very small Vessels, and through the Canal of *Mardyke* alone.

About two Years after he had been recall'd, Rumours began to spread, that the Port of *Dunkirk* was opened again. These Rumours were confirm'd by several Persons who had pass'd that Way; and our *Ministers*, even without receiving any Intelligence from Abroad, could not be ignorant of the Truth of the Fact, since it appeared by the *Entries at the Customs-house*, that Ships were continually going and coming from the Port of *Dunkirk*.

As the Works for repairing this Port advanced, the Trade of the Place, and the Noise about it encreased. Nay, these Works were carried forward in so publick a manner at last, that it became impossible any longer to forbear concluding, either that our *Ministers* had not been able to prevail on those of *France*, to stop this Violation of the *Treaty*, or else that they connived at it.

In this State of Things, and under such Apprehensions as these, some Members of the *House of Commons* resolv'd to lay this Matter before the *Committee of the whole House*, appointed to take into Consideration the *State of the Nation*. The Importance of it did, in their Opinions, deserve the most solemn Proceedings, and the Nature of it required, that no more Time should be lost in stopping the Growth of an Evil, which became, by every Day's Delay, greater and harder to cure. They got therefore such Evidence of particular Facts, as they judg'd sufficient; and they conceal'd their Enquiries with all the Care they could, lest the Witnesses might be prevented, by Power or Artifice,

from appearing; or when they did appear, from speaking as plainly and fully in *publick*, as they had done in *private*. This Precaution, which is, or ought always to be taken in Cases of this Kind, was surely as necessary as ever, on the Occasion we speak of; and the Complaints, which have been made of it, are indeed below Animadversion.

When, in Consequence of these Measures, it was moved in the *Committee of the whole House*, that some Persons, attending at the Door, should be called in, to give an Account of the Condition of the Port and Harbour of *Dunkirk* **** attempted at first to hinder this Motion from passing; But the Sense and Inclination of the *Committee* running strongly against him, this Attempt failed of Success.

The *Witnesses* were called in; and they gave clear distinct Accounts to the following Effect.

That the Port and Harbour of *Dunkirk*, which had been demolished in pursuance of the Treaty of *Utrecht*, so that the smallest Fishing-Boat could not go in to them a few Years ago, are now made capable of receiving great Numbers of Ships of considerable Burthen—— That from *sixty to eighty Vessels* are frequently to be seen there at a Time; and that the Port is capable of containing more than One Hundred and Fifty—— That, in order to make it so, the Sluce of *Furnes* has been re-established, and the Piles of the *Damme*, raised at the Time of the Demolition a-cross the Entrance of the Harbour, have been pulled up—— That several Works, in which the Soldiers as well as other Persons were employ'd, have been carried on from Time to Time, for cleansing the Harbour; for hindering the Mud and Sand from coming in to it; for repairing the *Jetties*; for preventing the Tides from flowing a-cross the Channel, and thereby keeping it choaked up; for making *Keys* where Goods are loaded and unloaded as commodiously as before the Demolition, and for procuring to this Port many other Conveniencies of Trade and Navigation—— That an *English-built Ship*, which trades from *Dunkirk* to *St. Domingo*, was actually in the Harbour lying at the Keys, besides several *Dutch* and other Ships, which trade to the *West-Indies*—— That Ships of Force had been built and launch'd there lately, and one particularly in *January* last, which sailed out of the Harbour with *Twenty-four Guns* mounted, and is able to carry *Thirty six*—— In a Word, that some of the many Works which have been made for restoring the Harbour of *Dunkirk*, are already put into as good a Condition as ever; that the Trade of the Town is by these Means very much increased within these two Years; and that the Pilots, who lie upon the Coast, refuse to carry
Vessels

Vessels any longer into the Canal of *Mardyke*, having Orders not to do it.—— That the Canal of *Mardyke* is brought so near to the great Sluice, that by removing a small Quantity of Earth more, the whole Body of Water, which is at present carried into that Canal from those of *Berg* and the *Moere*, may be carried into the old Basen, and into that Part of the Harbour, where the Men of War formerly lay—— upon the whole Matter, that the Port of *Dunkirk* may now very soon, and at no great further Expence, be render'd as good, and perhaps better than it was before the Destruction of it, in all respects, except as to the *Fortifications*.—— The *Witnesses* added that these Works, which had been carried on, at first, with some kind of Privacy, were afterwards continued without Disguise, and since last *August* with more Vigour than before; nay, that they were actually carrying on, notwithstanding the Badness of the Season, in *January* and *February* last.

The *Witnesses*, who proved these Facts, were *Masters of Vessels* and *others*, who make frequent Voyages to *Dunkirk*, and who spoke to nothing but what they had had frequent Occasions of observing; so that their Evidence was, upon a very strict, to use no harsher a Word, *Cross-Examination*, confirm'd in every Part, and supported in the strongest Manner.

As clear as it was, and as unquestionable as the Truth of it appeared to be, Reasons were urged why no *Resolutions* should be, at that time, taken upon it. The Chief of these Reasons were, that Colonel *Armstrong* had been lately sent to *France*; that his Presence would be necessary in a further Examination of this Matter; and that a Time ought therefore to be allow'd, in which he might be able to return; that several *Papers* would likewise be call'd for, to shew what had been lately transacted, and what Care the *Ministers* had taken about this Affair; and that the getting these *Papers* ready for the House would require Time also. These Reasons were acquiesced in, tho' it was not hard to foresee what might be effected by *Delay*.

The *Committee* was adjourn'd; *Papers* were call'd for; the *Committee* was again put off on the same Pretences for a Fortnight; several *Papers* were brought; and, the Day before it was to sit again, there were communicated to the House, by his Majesty's Command, Copies of a * *Letter from the*

* The *Duke's* Letter to *Pointz*, and *Armstrong* was dated *February* the 12th, 1729-30.

D. of N. to Mr. Pointz; of an Answer from Mr. † Pointz; and of the following Order obtain'd from the Court of France.

By the King.

“ THE Sieur——Capt. of his Majesty's Ships, is order'd
 “ to repair immediately to the Port of *Dunkirk*, there to
 “ draw up an exact State of the present Condition of the
 “ Canal and Port of the said Town, and to make his Report thereof. His Majesty enjoyns the said Sieur to cause
 “ to be demolished all the Works that may have been erected
 “ in Contravention to the Treaty of *Utrecht* and of the
 “ *Hague*, Copy whereof he will find hereunto annexed.
 “ His Majesty commands and orders the Governor Commandant of the Place, the Intendants, Engineers, and all
 “ other his Officers and Subjects to give all the necessary
 “ Assistance in Execution of the present Order, in Case of
 “ Need. Done at *Versailles* the 27th of *February* 1730.
 “ Sign'd *Lewis*, and underneath *Phelypeaux*.

Our Ministers seem'd to applaud themselves very much on the Success of their last Application to the *French* Court; and it was talk'd of, in a triumphant Stile, as if there remain'd no Pretence for proceeding to any farther Examination of the present State of *Dunkirk*. But surely this was unreasonable on all Accounts; since if there was any Merit in obtaining this Piece of Paper from France, the Merit belong'd to those worthy Gentlemen, who brought this Affair before the House of Commons, and in no sort to the Ministers. Besides which, even upon Supposition that France had now given us full Satisfaction, and full Security that *Dunkirk* should be once more demolished, according to the Terms of the Treaties of *Utrecht* and the *Hague*, it was still proper and necessary too that the Committee should proceed; because it was proper and necessary to discover how it had come to pass that the Harbour of *Dunkirk* had been, for so long a Time, repairing without any effectual Opposition on our Parts. No honest Man, who is acquainted with the Constitution of Parliament, and who knows what the Proceedings of the House of Commons have been in the best Times, will contradict me in this. Permit me to add, that the Facility and Expedition, with which the *French* consented, up-

† Pointz and Armstrong's Letter to the Duke was from Paris 16-27 February, 1729-30.

on this Occasion, to their *last Order*, administer'd more than ordinary Cause to suspect *that they had never been pressed much upon this Head before.*

When the House came again into the *Committee of the State of the Nation*, they had before them, besides the *two Letters* of our Ministers and the Answer just procured from *France*, several of the Papers, which had been call'd for, and the Evidence of some *fresh Witnesses* produced by those Gentlemen, who had produced the *former.*

I say *several of the Papers which had been call'd for*; because, altho' the Papers call'd for by * * * * were all brought in; yet of those which had been call'd for by *others*, some were kept back, under a Pretence that they could not be found in the Offices; and *others* it was said, would require a great deal of Time to copy.

The Papers call'd for by * * * * and deliver'd in, were generally *Extracts of Letters*; so that if one were to suppose an Intention to *conceal* any Circumstances from the Knowledge of the *House*, this Method would give a sufficient Opportunity of doing it; notwithstanding which, these very *Papers*, imperfect as they were, confirm'd and strengthened all the Evidence given at the Bar.

In order to be more clear, and to state the whole Matter as fairly as I am able, I shall take Notice, in the first Place, of such Particulars as appeared in the *Papers*, or were proved by *fresh Witnesses*, in Addition to and Corroboration of what had appeared in the preceding Examination; for nothing contrary to it appeared any where. In the next Place, I shall give an Account of the Conduct of our Ministers through all these Transactions; for the Exactness of which I shall appeal to their own Papers, as I shall appeal to the common Sense of Mankind for the Justness of the Observations which I propose to make as I go along.

It appeared then by *these Papers*, that in *March 1727-8*, according to our *Stile*, the old Harbour of Dunkirk was so well repaired, that the Canal of *Mardyke* was no longer made use of; that the Inhabitants work'd at these Reparations by *Moon-lights*; that the Trade of *Dunkirk* had been carried on there as formerly for *eight Months*; and that a Frigate of 40 Guns was fitted in that Harbour, which is said to be in as good a Condition as formerly, except as to the Condition of the *Fortifications*. Other Advices, very little posterior to these, speak of a *Sluice* built in 1727, on the Canal of *Furnes*; of a new *Sluice* preparing for the Canal of *Berg*; of *Engineers* who direct, and the King of *France's* Troops who carry on these Works.

As this Account from the *Papers* agrees with the Accounts given by the first *Witnesses*; so the Evidence of the second *Witnesses* agrees perfectly with both; for they said that the *Sluices* of *Furnes* had been opened about *August* 1727; that is about eight Months before the Month of *March*, 1727-8, Old *Stile*; that about *October*, 1727, the *Piles*, which barred the Harbour, had been drawn, and that there was Water enough in it for a Ship of 400 Tons. They confirmed, that Numbers of Men, mostly *Soldiers*, were employ'd on these Works.

Mr. *Armstrong* was sent in 1728, with Mr. *Cronstroom* to *Dunkirk*, and his Report is dated from thence in *September*. This Report is in nothing repugnant to the other Accounts. On the contrary, it enters minutely enough into the Particulars of Works then made to restore the Harbour, and of the Consequences of these Works, which the Report agrees to be contrary to the express Terms of the Treaty.

There are, among the *Papers*, other Advices of the Month of *May*, 1729, concerning new Works carried on at *Dunkirk*, and Accounts of what was done upon these Advices; but the *Papers* are, from *May* and *July* 1729, entirely silent as to this whole Affair; and yet it appear'd plainly, by the Evidence at the Bar, which was not contradicted, that from *July*, to the Time of bringing this Enquiry into the House of Commons, the *French* continued to repair and mend the Port of *Dunkirk* with more Application than ever. It is therefore no Wonder if the *Witnesses* spoke to some more Particulars than are to be found in the *Papers*.

Thus have I related the Substance of what appeared, concerning the present State of *Dunkirk*, as well as concerning the Works carried on by the *French* at that Place, since Mr. *Lassells* was recalled from thence. Some Circumstances, which I may have omitted, to avoid Prolixity and Confusion, will occur more properly in the Second Part; where I propose to give an Account of the Conduct of our Ministers, thro' all these Transactions, out of their own *Papers*.

First, it appears, by their own *Papers*, that the very first Notice, which they took of what the *French* were doing at *Dunkirk*, proceeded from a Representation made by the Pensionary of Holland, on Advices he had received from France, and which were dated the 26th of *March* 1728 N. S. Now the *French* had been, at this Time, many Months working at the Harbour of *Dunkirk*, and the Trade of that Place had been, during this Time, carried on as formerly. Did our Ministers know of this, and do nothing against it till the Minister of the States called, in a Manner upon them? This would be Conscience in the highest Degree. Did they not know it sooner?

They

They took then no Care to be informed of what passed at *Dunkirk*, for two Years together, after they had recall'd Mr. *Lassells*, whose Presence had been a Check upon the *French*. This would be *Neglect* in the highest Degree. The *Dutch* Minister at *Paris* sent this Advice to the *Pensionary*. How came our Minister, at the same Court, not to have as good Intelligence, or having it, not to send it hither?

But there is another Consideration still behind; for if *publick Reports* did not deserve their Attention; yet they could not be ignorant that the Port of *Dunkirk* was opened, because they must know, at least one of them must know, and from him the rest might have known, by the Entries at our *Custom-house*, * that Ships went daily to it and came daily from it. *Neglect* might keep them ignorant of the particular Works, by Means whereof this Harbaur had been restored. But even *Neglect* could not hinder them from knowing that it was, in some Degree, restored; and that, by Virtue of two solemn Treaties, over the Observation of which it was their Duty to watch, *Dunkirk was never to be, in any Degree, an Harbour again.*

Secondly, as the latter Part of the foregoing Observation bears particularly on the *Elder*, so I apprehend that the Observation I am about to make will be found to bear as hard on the *Younger* of that *Pair of Brothers*, who have had so long the Direction of the Affairs of this Kingdom; for the Advices, which the *Pensionary* had communicated to our Court, were sent to the *British* Minister at *Paris* by the S—— of St——e, on the 4th of *April* 1728, with Orders that he should inform himself about them, and make the proper Representations to the Cardinal, if he found them true; tho' it was not possible for us to have any Doubt of the Truth of those Facts; concerning which, they might have had certain Information from so many Hands, if their Attention had not been wholly employ'd in the necessary Establishment of *Don Carlos*.

W——'s Answer is dated the 29th of *April*, N. S. and it is a curious one indeed. He sends over an Information which agrees, in the main, with the Advices received from the *Pensionary*; but adds, that the Inhabitants of *Dunkirk*, had seen, "some Time ago, with equal Surprize and Pleasure; that in one Night their Port was opened at once, by the Force of an extraordinary Tide, which they look'd upon as a kind of MIRACLE." In this *French* Miracle his Excel-

* N. B. The Entries of *Brandies* from thence were increas'd from 600 Tons, in the Year 1727, to above 1600 in the Year 1729; and the Entries of *Cambricks* from 18,500 half Pieces to above 31,000 half Pieces; and 160 Sail of Ships, from 30 to 60 Tons, were enter'd at the Custom-house from this Port in the three Years from 1727 to 1729.

lency seems to believe; and therefore most cautiously proposes to the Secretary of State, that a Person may be sent to *Dunkirk* to see whether what has been done there be any thing more than the pure Consequence of the Tides, before He speaks to the Cardinal in Pursuance of the Orders sent by the D. of N. to him.

On the 30th of *April*, the Secretary writes to the Ambassador again, and sends him an Account, " which his Majesty " has received, says the Letter, of the Works which have been " carrying on at *Dunkirk* for the Establishment of the Port and " Harbour there, from a Person of undoubted Credit and Skill " in those Affairs." The Advices of the *Pensionary* are owned to be true; and every Step which has been taken at *Dunkirk*, is declared to be a direct Breach of the Treaty of *Utrecht*, and of the Triple Alliance. *W—* is directed therefore to insist with the Cardinal, that immediate Orders be sent to stop these Works, and a Confidence is express'd, that the Cardinal will take effectual Care that every thing be redress'd according to the Treaties above mention'd. All this is enforc'd by some Reasonings, which would incline one to imagine, that our Ministers at Home might think it necessary, at that Time, to insist upon the Observation of the Treaties.

But our Minister Abroad did not appear much convinced of any such Necessity; for His Excellency's Answer to this Dispatch is more extraordinary than the last, and even than the *miraculous Tide*, which, it is pretended, opened the Harbour of *Dunkirk*. He writes on the 30th of *May*; that is, a Month afterwards to the D. of N. sends him some Papers, received from the Cardinal, relating to our Complaints about *Dunkirk*; takes no Notice of any Representations made by him, in Obedience to the Orders sent him; but says very coolly and very tenderly, that He is no Competent Judge of this Affair, and can say nothing to it.

His Excellency's Temper would almost make any honest Man lose his Temper; but let us examine these Passages with all the Indifference possible.

W—'s Information, which he sent the D. of N. agreed with that of the *Pensionary*, which the D. of N. had sent him. He knew then, by repeated Advices, that it was not the Tides, but the incessant Labour of the *French*, which had opened the Port, and restored the Trade of *Dunkirk*, with all the Circumstances already mention'd. He knew, or he might have known, that this *miraculous Tide* had happen'd eight Years before, long before Mr. *Laffels* was recall'd from *Dunkirk*, and neither had been, nor could be of it self effectual to the opening of that Port. This being the Case (and it is so most exactly) on what Principle shall we account for *W—*'s Doubts, Delays, and

and the Weight he seems to lay on that impertinent Story of the Tide?

But this is not the worst. He holds much the same Conduct, after he has receiv'd a *third Information*, confirming the *two former*, coming from a Person of *undoubted Credit and Skill*, believed by the King, and made the Foundation of *positive Orders* to him to insist on having an immediate Stop given to these Works. *He was no Judge in this Affair.* His Orders were not conditional in this Case, as in the former. Nothing but the greatest Certainty, that the *Advices* which the King had received, were *untrue*, and that his Majesty had been *deceived* in them, could justify him for *delaying* one Moment the Execution of his Orders. Now, instead of this Certainty, what had he? why he had a *Paper*, drawn up by the *Intendants of the Marine at Dunkirk*; for which, by the way, he had staid about a *Month*; and it happens very unluckily that this Paper, as inconsistent, as *shuffling*, as *evasive*, and as impertinent as it is, owns not only the Truth of some Particulars, contain'd in the *Advices*, which were the Grounds of Complaint, but acknowledges expressly that some Works had been made *to prevent the Sands from choaking up the Harbour*. Need I go about to prove that, in Consequence of the *Treaties*, the Harbour is to remain *choaked up for ever*; and that every thing done to prevent that, is an Infraction of these *Treaties*?

I proceed, in the third Place, to take notice of Mr. *Armstrong's Report*. This Report is dated at *Dunkirk* the 23d of September 1728, near four Months after the Transactions last mentioned, and confirms sufficiently the Truth of the *Advices* received. — It takes notice of an *Extraordinary Tide*, which had demolished, in the Month of *December*, 1720, the great *Batardeau or Digue*; but it observes, that the breaking of this *Digue* was far from opening the Harbour, since the Sand and Earth of it, being spread by the Flux and Reflux, had fill'd the Port, Basin, and Channel, so that a *Boat* could not get in from the Seaward. — It attributes very justly the *opening the Harbour* to the rebuilding the Sluice of *Furnes*, and augmenting it with a *second Flood-Gate*. — It then proceeds to particularize the several other Works which had been made, and asserts that *they are all contrary to the express Terms of the Ninth Article of the Treaty of Utrecht*, and also to the *Fourth Article of the Treaty of Alliance made at the Hague the 4th of Jan. 1717*. — It afterwards propos'd different Methods for restoring Things to the State they were in, before the *French* had opened and repaired the Harbour. — Thus far all is well; but then these *Engineers* (for *Crauxstram* joins in the Report with *Armstrong*) turn Politicians; and having offer'd what they judged necessary for an effectual Compliance with the *Treaties*, they take on

them to offer what they judge may be expedient, and not repugnant to the *Intention* of the *Treaties*; and that is, that the little *Rigolle* or *Gut* (so they pleased to call it, and such it might be then, in Comparison of what it is, now) should be left to the *French*; and in order to preserve it to them, that the *Sluice*, which they had built on the *Canal* of *Furnes*, in Violation of their *Treaties*, should be left to them likewise.

This must appear a very odd Opinion; especially when it comes from Mr. *Armstrong*, who was so positive in the late Queen's Time, that the *Sluices* at *Dunkirk* were not necessary to be preserved, in order to discharge the *Waters* of the *Country*; and that if any of these *Sluices* remained, it would be impossible to prevent the *Harbour* from being kept open; whereas, if they were all destroyed, a small Space of Time would effectually fill up the *Harbour*. But since that Time, he seems to have been enlightened by *Ricouart*, the *Intendant* of the *Marine* at *Dunkirk*; who in the *Paper* abovementioned, to which this *Report* refers, had undertaken to do, in three Months Time, in *War* or *Peace*, at the Expence of *Ten Thousand Livres*, and with *One Hundred Workmen*, more than he owned had been done at *Dunkirk* in *four Years*.

It was right, perhaps, in *Ricouart* to advance this extravagant Proposition; because it was his Business to furnish the Cardinal with Arguments to oppose to our Complaints; but surely it was not our Business to build, on this Foundation, such *Maxims*, as are established in Mr. *Armstrong's* Report, and as have had too much Prevalency since.

France, it is argued, may, in Case of a Rupture with Us, rebuild *Sluices*, and open, thereby, the *Harbour* of *Dunkirk* and the *Channel*, as deep and as wide as formerly. But this *Harbour* will be of no Advantage to them, till the Fortifications to the Sea are rebuilt; because all Ships of War or Burthen were ever obliged, when this Place was in the best Condition to go out into the *Road*, where they may be attacked, as long as the *Strand* remains *unfortified*, and there take in their Guns, Provisions, &c. Therefore let us permit them to open their *Harbour* now; that is, because *France* will probably, in Case of a *War*, restore and fortify the *Port* of *Dunkirk* again, let us allow them to do part of their *Work* beforehand; Because they will not observe the *Treaties*, when they are no longer bound by them, let us connive at their breaking the *Treaties*, whilst they are bound by them.

But I must not dismiss this Point ludicrously.

Mr. *Armstrong's* Reasoning, which was very bad, when he first made Use of it, and which is grown much worse by what has happened since (tho' there are Men, who still insist upon

upon it) is entirely built on supposing what is in Dispute, or rather what is fully disproved.

For *first*, it is taken for granted that, in Case of a *Rupture*, the *French* will be able, in a short time, to restore *this Harbour*, notwithstanding all that has been done, or can be done to *destroy* it. Now this is absolutely denied by several very *knowing Men*; and was so, in a particular Manner, by one whose *Knowledge* can be no more disputed, than his *Valour*, or his *Integrity*; and who said in the *House* that he would undertake the *Digue* or *Damme* might be so made, as not to be destroyed, in *two Years Time*, with all the *Expence* *France* could bestow upon it.

But besides, how could it escape Mr. *Armstrong*, when he took his Hint from the *French Intendants*, or those who have been Mr. *Armstrong's* *Eccbo's*, that their own Reasoning turns, in this Case, *against them*. Let it be allow'd them, for Argument's Sake, that no Ship can take its Departure from *Dunkirk* without stopping some time in the *Road*; let it be allowed that we can attack and destroy them there, as long as the *Strand* is not *fortified*; nay let it be allowed that, in Case of a War, we should be able from the *Road*, to hinder the *French* from *fortifying* the *Strand*. From all which they conclude, that a *naked Harbour* cannot be of much Advantage to *France*, at the same time that they assert that it is not worth while to hinder that from being done now, which *France* can and certainly will do in a few Months, whenever a War shall happen!

But surely it is very plain, upon this Foundation, and in Contradiction to what is asserted, that nothing can be more worth our while, than to *hinder the French from restoring this Port and Harbour in time of Peace*; since they cannot possibly restore it in time of War. The same Force, which it has been allowed would destroy their Ships in the *Road*, and even hinder them from fortifying the *Strand* again, would equally hinder them from restoring their Channel to the Sea, by making *Jetties* down to the low Water Mark, to prevent the Flux and Reflux of the Tides, which set a-cross the Channel; from choking it up with Mud and Sand as fast as the *Sluices* by their Effect can clear it. Now it is undeniable, that if we can, in time of War, command the *Road* and even hinder the *Strand* from being fortified; we can likewise, by the same Means, hinder the *Jetties* from being carried to *Low-water Mark*. From whence it follows, on the Reasoning of these Gentlemen, that if we do not suffer the *French* to do this Work, by Stratagems in time of Peace, they never can do it by Force in time of War; and by Consequence, if ever it is done, it must be owing to the

Folly, Neglect, or Treachery of the Ministers of Great-Britain.

Secondly, it is asserted to be publickly known that *all Ships*, whether of *War* or *Burthen*, were ever obliged, when the Haven was at its best, to go out into the Road, and there take in their Guns, &c. Now it is publickly known, that *all Ships* of War or Burthen were not formerly, and are not even now under any such Necessity. There is at present Water enough in the Harbour for a Ship of 400 Tons, and the *Witnesses* had seen a Ship sail out of it with 24 Guns mounted. The largest Men of War, which were kept formerly on that Station, might be obliged to go light into the Road, and there take in their Guns, &c. but it is evident that Ships of Force sufficient to annoy the Trade of Great Britain, and to carry on that of France, did formerly, and may now sail out and in, without being obliged to stop in the Road.

Thirdly, the opening this Port, in the Manner it has been done, and the erecting a Sluice on the Canal of Farnes, tho' allowed to be contrary to the express Terms, is supposed not to be repugnant to the Intention of the Treaties, and to the Ends proposed by them. Now surely the direct contrary is demonstratively plain; so plain, by the Terms of the Treaty; by the Principles over and over laid down; by the Arguments over and over employed in the Disputes and Negotiations about this Affair, and finally by Mr. Armstrong's own Opinion formerly delivered, and followed, that it is inconceivable he should report in Contradiction to all this; unless a Report was to be made, on this Occasion, in Consequence of a Measure resolved, instead of determining the Measure, in Consequence of the Report; which I apprehend has been the Case, on many Occasions.

When the French made the Canal of Mardyke, they covered themselves under the Letter of the Treaty; and because they did not rebuild the same individual Moles, Jettees or Fortifications, as had been demolished, they would have had it understood, that they did not act against the Words of the Ninth Article of the Treaty of Utrecht; which are, *ne dicta Munimenta, Moles, aut Aggeres denovo unquam resciantur*. Now when they have rebuilt one of the same Sluices; are repairing the very same Jettees; and are, in a Word, restoring the same individual Port, Harbour, Basin and Channel; we argue, in their Favour, that they do not act against the Spirit or Intention of the Treaties, provided they do not renew the Fortifications on the Strand. Mr. Armstrong, in this Report, does not indeed allow the repairing the Jettees; on the contrary, he insists strongly on the Necessity of destroying them, even to the Level of the Strand; but we shall see

see that he does little less than allow it in a subsequent Report; and the same Argument, drawn from the supposed *Intention of the Treaties*, has been equally insisted upon, since the *Jetties* have been in part repaired, and other Works done, which answer the same Ends.

But to conclude this Observation; if there could have been, before the Treaty of 1717, any Doubt concerning the Intention of the Treaty of *Utrecht*, as there certainly could not; and as his late Majesty insisted very justly, and very successfully, that there could not; yet to urge this, after the Treaty of 1717, is to chicanery about the *Spirit of Treaties*, in favour of the *French*, more grossly than they did themselves in their own Favour, when they accepted of the *Will of the late King of Spain*, notwithstanding all the Engagements they had taken by the *Treaty of Partition*. The 4th Article of the Treaty of 1717, is a Commentary on the 9th Article of that of *Utrecht*. If, after that, we are still at liberty to talk of the *Spirit* or *Intention* of the first Treaty, nothing can be ever determined by any Treaty. The *Treaty* of 1717 leaves the Canal of *Mardyke* in such a State as might suffice for carrying off the Waters, and admitting of small Vessels, that there might be no Excuse left for opening, in any Degree, the old Channel, which by the same Treaty is to be more effectually demolished than ever, in order to the intire choaking of it up; How can it be said, after this, that the *Intent* and *End* of this Treaty, as well as of the Former, is not disappointed by opening this same old Channel and the Harbour anew? I grow ashamed of insisting so long on a Point so very clear, and shall finish it by saying, That nothing could surprize or afflict me more, than to hear *some Persons*, from whom better Things might have been expected, argue for keeping open the Harbour of *Dunkirk* upon any Principles, and especially on such as these; that it is not against the Treaties, nor against the Interest of *Great Britain*. To excuse Ministers, who have committed Faults, may be allow'd to Friendship, and to particular Obligations; but there can hardly be a more melancholy Symptom in a free Government, than that of excusing, and even justifying the Conduct of Ministers, by explaining away the most important, national Advantages.

Having made these Observations on Mr. *Armstrong's* Report, I proceed, in the first place, to take notice of what our Ministers did, in Consequence of it.

What they did was in short this. They follow'd his Advice, as far as it went in Favour of *France*; and there do not appear any Footsteps that they follow'd it, in taking effectual Care of those few Things, which he recommends in Favour of *Great Britain*.

They approved his Report in all its Parts. They directed the Minister at *Paris* to insist, that Things might be rectified according to it; and the Secretary of State writes, that this will give entire Satisfaction. Nay, they would not so much as try whether *France* would be contented with *less* than Mr. *Armstrong* proposed; for *W*— having given the Hint, by asking whether he should communicate the whole Report to the *French*, or only such Parts of it as related to the Infractions of the Treaties, he is ordered to communicate the whole Report to the Cardinal: That is, he is ordered to shew the *French* at once, that we were willing to give up to them what had never been given up, from the *Treaty of Utrecht*, to this Time; and leave them a *Harbour*, under the sham Pretences, under which they had so long pressed for it in vain.

What is the Return made to this noble Frankness and Generosity of ours? Why, the Cardinal, says he, has put the Report into the Hands of the Secretary for Maritime Affairs; and that, in order to hinder an *Eclat*, Direction will be given for complying with it by Degrees.

Who does not see the Meaning of this Answer? The *Eclat*, that is the Noise, was already made in *Great Britain*, and in *Holland* too. It was publickly known in *bosh*, and publickly complain'd of, that the *French* had, in great Measure, restored the Port and Harbour of *Dunkirk*. Surely there could have been no Hurt in letting it be as publickly known, that they were destroying, at least, a Part of what they had done in Violation of the Treaties. This must have helped to *bind*, instead of making any further *Eclat*. This must have done Honour to that Court, and have given some Colour, if any Thing can give Colour to so improbable a Story, to what has been so often said, and is said, even now, that the *French* Ministers knew nothing of the Works carried on by the Inhabitants of *Dunkirk*.

But the meaning of this Answer was plainly to gain Time. We had shewn too much Haste in giving up, at once, a great Part of what they wanted to gain upon us; and they were willing to try if they could, by Delay, evade performing the small Part of what we required of them.

I pass to my *Fifth* Observation, which will prove that this is no unreasonable Refinement, or rash Judgment. What I have just related passed in *Nov.* 1728. From that Time it does not appear that the *French* demolish'd, according to Mr. *Armstrong's* Report, any of the *Works* they had made, or that our Ministers pressed them once to it. But tho' they did not *demolish*, it appears that they *built*; for in the Month of *May* following, a new Alarm comes, and our Ministers are once more called upon by the *Pensionary*, who sends them

Accounts

Accounts of further Works carrying on at *Dunkirk*, for the Improvement of the Harbour. These Accounts were such, that my Lord *C—d* says, in his Letter, the *Pensionary* gave great Attention to them. Let us see what Attention *We* gave to them.

They are sent to the *M——r* at *Paris*. He communicates them to the Cardinal. The Cardinal knows nothing of the Matter; but gives general Assurances that nothing contrary to the Treaties, shall be done. Our Complaints are transmitted from Court to *Dunkirk*, and from thence an Answer is returned by the *Intendant*, acknowledging in the main the Facts complain'd of, but giving Turns to them, which one would hardly imagine could pass, even with those who have so much Faith in their Miracles. Such, for Instance, as this; that a certain Floodgate had indeed been repaired, but that it was *one*, which had not been demolish'd at the Demolition of *Dunkirk*; which is true for this Reason, that it was not in *being* at the Time of that Demolition, but hath been built since; so that the *French* Argument stands thus. We do not break the Treaties by repairing this Work, but we broke them by building it.

This Answer was referred to Mr. *Armstrong*, who (without any Examination, whether the *French* *Intendant* had not palliated and disguised Matters) makes as implicit and favourable a Report, as the other could have desired.

A few Months ago, it was, in his own Opinion, necessary to destroy the *Jetties*, newly erected, and the Heads of the old Ones, which had been left, and that even down to the Level of the Strand. Now, the Piles, driven at the Head of the old Channel, and pretended to be design'd only for Beacons and Moorings, may be allowed; provided Care be taken that they do not serve for the Foundations of Batteries. The new Magazines and the new Key are not thought of any Inconvenience. All that *France* is doing, and which the *Pensionary* laid so much Weight upon, is allowed. The Minister at *Paris* hath Orders to say so; But He is to hint, at the same Time, that Care be taken no farther Works are carried on. He may *speak out* in making these Concessions to *France*; but he must measure his Words, and not speak plain, when He mentions what *We* required, in Return; tho' what *We* required, in Return, was nothing more than a verbal Assurance that Batteries should not be made on the Heads of the *Jetties*, which we allowed them to erect at the Entrance of the old Channel.

My *Sixth* Observation is this. Tho' we were now brought Step by Step to see and own a manifest Danger, that the *French* might not only repair, but fortify the Port of *Dunkirk*, yet from the Month of *July* last the Works were carried forward there till the Enquiry began in Parliament, without the Knowledge, or with the Connivance of our most knowing Ministers.

It appeared by the concurring Evidence of the Witnesses, that they were carried forward during this Time, with greater Application and less Reserve than ever; that the Soldiers of the King's Troops work'd at them; and that Ships were press'd, by the King's Order, to carry Stones for this Service.

After this, it is impossible to read, without some Surprise, that when Mr. *Pointz* and Mr. *Armstrong* made the Representations, which they were ordered to make, to the *French* Ministers, both the Cardinal and the Keeper of the Seals assur'd them, that if any thing had been done towards restoring the Harbour of *Dunkirk* to its former State, or in Contravention to the Treaties of *Utrecht* and the *Hague*, it had been done *without their Knowledge*, and *contrary to the French King's express Commands*. They seem, by this Protestation, as ignorant as our M—rs were of things done in their own Country, and with all the *Eclat* possible; but even Ignorance, in this Case, is not very excusable in either; for

First, as to the *French* Ministers. Taking what they say, in their own Behalf, for granted, that the Inhabitants of *Dunkirk* have been principally active in what hath been lately done there, contrary to *Treaties*; yet can it be suppos'd with the least Appearance of Probability, that Works of such Importance could be carried on, for above two Years together, without any *Authority*, or Connivance, or even the Knowledge of the *French* Court?—Is it, in any Degree, credible that the Subjects of an arbitrary Prince would dare to make Use of his Troops, or to press Ships into that Service, by pretended Orders, and without any real Licence?—Can We imagine that this could be done under the very Nose, and yet without the Privy of the Governour Commandant, the Intendants and divers other Officers of the Marine, who are obliged to hold a constant Correspondence with the Ministers at *Paris*?—or, lastly, can it be pretended, without putting the greatest Violation on common Sense and common Reason, that even Curiosity it self, the lowest Principle of all our Enquiries, would not have prevail'd on the Ministers of *France* to examine into this Affair, and gain the best Informations about it, after it had made so great an *Eclat* in *England* and *Holland*?

I am at a Loss to find, in this Conduct, any Proof that *They carry their Fidelity even to a Nicety*; for it was certainly incumbent on them to be so inform'd; since it was from the *French* Court, and not from the Inhabitants of *Dunkirk*, that We were to expect and require the strict Observance of the *Treaties*. When the *French* Ministers therefore would impose on us an Assurance of this Kind, so void of all Probability, and at the same time give us another Assurance of their doing every thing agreeably to *Treaties*; will not the notorious Improbability

probability of the one justify our strongest Suspicions about the Performance of the other? When there are such convincing Reasons to question their *Veracity*, can we, without exposing our selves to the Contempt of the whole World, depend entirely on their *Sincerity*.

2dly, As to the inactive Conduct of our M——s, from July to February last; and in Order to set this Matter in a full Light, let us recal very shortly, and place their whole Proceeding in one View.

If we look no farther back than the Year 1717, when the new Sluice on the Canal of *Furnes* was built, it is now about three Years since the *French* have work'd at the Restoration of *Dunkirk*. In this Time our M——s have made three Complaints, and not one of these Complaints hath been made originally on their own Motion, and upon Advice of their own. The two first Times, they were call'd on by the *Pensionary*, and the last Time, they were push'd on by the Parliament. The Proceedings on the first Complaint ended by allowing to the *French* some Infractions of the Treaties, and by desiring that others might be rectified. This is promis'd, but the Promise is not kept. Instead of rectifying what had been done, new Works are carried on. The Proceedings on the second Complaint end in our acquiescing to these new Works, provided they are *extended no farther*. Even this Promise is not kept. The Works are extended farther. All Mankind know it, and complain loudly of it for seven Months together. An Enquiry begins in Parliament. Our M——s are surprized, and know nothing of the Matter. Although they had been disappointed a first Time, they took no care not to be so a second.

I think that I need not explain or enforce this any farther; and therefore I shall observe 7thly, That as there may be some Reason, arising from their past Conduct, to apprehend that the *French* Court may not be quite so exact, nor so expeditious, as we are made to hope, in fulfilling even the last Promise which they have given us, to *demolish all the Works erected contrary to the Treaties*; so there is great Reason likewise, arising from our past Conduct, to apprehend that they do not understand, on that side of the Water, by Works contrary to the Treaties, what we do, and always must understand, on this side of the Water, by those Words; from whence it will follow, that by dextrous Management, we have brought the clearest Point in Nature to be the most intricate; and that whereas there never could have been Room for the least Dispute, if the Treaty of 1717 had been observed, in Explanation and Moderation of that of *Utrecht*, our departing from it may, and must open a Source of inexhaustible Chicane.

I have already shewn how the Treaty of 1717 explains the Intention, and moderates the Conditions of the Treaty of *Utrecht*, so as to leave the *French* no Colour, either from the Letter, or Intention of the Treaties, for doing or acting any thing more than what is there specifically expressed; no, not even on account of discharging the Canal; draining the flat Country; or carrying on their Fishing, or any other Trade.

Upon this Foot therefore, the Sense of these Words (*Works contrary to the Treaties*; or *Works done in Contravention to the Treaties*) is exactly and invariably determined. But the *French* have been artful enough to improve our Complaisance for them, so as to set the Case of *Dunkirk* on quite another Foot with our M—rs I mean; for with the Nation I hope and believe that impossible to be done.

On the former Foot, every thing, which hath been done at *Dunkirk*, is directly against the Letter of both Treaties, and against the Intention of that of *Utrecht*, explained by that of 1717. The *Rigolle*, or Gut, which Mr. *Armstrong* and our M—s allow the *French*, by virtue of their dispensing Power, and the Sluice on the Canal of *Furnes*, to keep this *Rigolle*, or Gut open, are as directly and as plainly against the Intention of the Treaties, as even fortifying the Town, the Harbour and the Strand would be.

But, on the other Foot, there is Room for *Chicanes*. The *French* may say, (and, no doubt, they will say) that the Intention of Treaties ought to be determined by the Sense, in which the contracting Parties have, by mutual Agreement, executed them; that as the late King allowed them to have a Communication from *Dunkirk* to the Sea, by the Canal of *Mardyke*; so they have been allowed, at present, to have the same Communication by the old Channel; that we did indeed once insist on demolishing their Reparations of the old Jettees; but that, since that Time, and on Occasion of Complaints about other Works, made for improving this Harbour, we have not only expressly approved their making these latter Works, but have tacitly consented to their repairing and supplying the old Jettees, by taking no notice of their not destroying them, nor of their making other Works to hinder as effectually the Flux and Reflux of the Tides from choking up the Channel, as the Jettees are designed to do; that all this, together with our Approbation of the new Key they have made, and the new Magazines they have built, shew it very evidently to have been our Sense, as well as theirs, that the Intention of the Treaties is not to deprive them of a naked Harbour at *Dunkirk*; but only to hinder them from having a fortified Harbour there; that they are far from entertaining any such Thoughts; that they carry their Fidelity even to a Nicety, and have not yet rais'd one single Battery

Battery on the Strand; till they attempt which, we have not the least Reason to affirm that they act in Contravention to the Treaties. This and much more, to the same Effect, may the French say, whenever they are pressed in good Earnest to fulfill their last Promise, agreeable to the just Expectations of the British Nation. Nay, they certainly will insist in this Manner, if they were so pressed; because whatever Reasons they may have to desire that our present Ministers should continue in Power, I can hardly persuade my self that they will, for the Sake of the two illustrious Brothers, undo entirely what they have done at *Dunkirk*, and fairly lay aside the Hopes of restoring that Port, by Degrees and without *Esclat*, to its former Greatness and Splendour.

That there is Reason to apprehend such a Conduct from them, we may judge by what we have lately heard from *Dunkirk*; for it is said that Mr. *Laffets*, with some French Officers, had been to sound the Water in the Harbour and Channel. Now, to what Purpose can this be? If we are to stand to the *Treaties*, we must insist that there be no Water; at least, no navigable Water at all in the Harbour and Channel. If we depart from the *Treaties*, to what Purpose do we dispute about a Foot or two of Water, more or less?

The Question does not turn on such Circumstances as these; whether the Port be capable of receiving 50 or 100 Ships; whether Ships of 50 or 500 Tons go into it, or out of it; whether the Depth of Water be 14 or 18 or 20 Fathoms, and the like; but singly on this, whether it be made a Port to any Purpose, or in any Degree whatsoever.

Perhaps, we may hear of some Jetties, or other Works destroyed, and a few Appearances of a Demolition; but let it be remember'd, that nothing can be a just Satisfaction and real Security to us, but the reducing *Dunkirk* once more to that Condition, into which it was put by Virtue of the *Treaties*, and following them as the stated Rule between us and France on this Head. Let it be remember'd likewise, that whatever Satisfaction we may obtain, be it more or less, will be owing to the Parliamentary Enquiry, and not to the Care, Vigilance and Spirit of those, who are employ'd in the Administration.

After having made so many Observations on the Conduct of our Ministers in this Affair of *Dunkirk*, I am oblig'd, in Justice, to take some Notice of the chief Argument, by which their Creatures endeavour to excuse them; for though many concur to screen them from Censure, few there are, I think, even amongst these, who presume entirely to justify their Conduct.

It hath been said then that different Terms and different Situations of Affairs require different Ways of acting; which is a most undeniable Truth. But as Common-place Wit diversifies

Nobody,

Nobody, who hath any Wit, so Common-place Maxims impose on Nobody, who hath Sense and Knowledge.

It is true that different Times and Situations require that Ministers of State should both speak and act in different Manners; but they are never to lose their Object, although they change, in some Measure, the Manner of pursuing it. This Object is, or ought always to be, the greatest National Good. To wise and honest Servants of the Publick, all Countries will be absolutely indifferent, except their own; and by Consequence they will neither lean to nor from any Foreign Interest, but as that Interest is brought nearer to the Interest of their own Country, or placed in a greater Opposition to it, by the Course of Accidents.

Now, let us apply the Maxim, thus explained, to the Conduct of our Ministers in the Case of *Dunkirk*.

That we have seen and do still see Times and Situations, with respect to *Great Britain* and *France*, very different from those, which our Fathers or we beheld, during forty Years, is true. It is true therefore, that since this Alteration of Times and Situations, a different Manner of speaking and acting towards *France* hath been requisite on our Part. But our general Interest, with respect to *France*, is only thus far changed. Formerly, it was our Interest to oppose all her Measures, and to defy her most exorbitant Power. It is now become our Interest to have a Communication of friendly Measures and Intercourse of friendly Offices with her, and, instead of defying her reduced Power, to be only jealous of its growing again.

In cultivating therefore the Friendship of *France*, and even in avoiding all Appearances of distrusting her, or being jealous of her, our Ministers have acted according to the Rules of good Policy. The *French* have held the same Conduct towards us; and this mutual Confidence and Amity might certainly have been productive of much publick Good, without any particular Inconveniency or Mischief. It hath been so to *France*; but it hath not been so to *Great Britain*; and the Reason of this Difference is plain. The *French* have follow'd the Maxim above-mentioned, but without once losing Sight of their national Interest. Whenever this hath come into Question, they have insisted amicably, but they have insisted as strongly as ever; Witness the Case of *Santa Lucia*, that of the * *Honours at Sea*, and many others. Nay, whenever they

* Above a Year ago a Lieutenant of an *English* Man of War was broke, as it was said, upon the Instance of *France*, for obliging a *French* Ship to Strike, according to his Instructions, as she was going out of one of our own Harbours.

could acquire such a Pretence, as seem'd consistent with the Terms of Friendship, they have artfully enough endeavour'd to diminish our Power, and to wrest from us those Advantages, which they know may some time or other, in our Hands, be of Detriment to them; Witness the Part, which our intimate Friend, the late Duke of *Orleans*, acted in supporting the Claim of *Spain* to the Restitution of *Gibraltar* and *Minorca*.

But I am afraid it will be found that our Ministers have suffered the Transports of Friendship to carry them too far in Favour of *France*; particularly, in the Case now before us; for which they must be confess'd inexcusable, notwithstanding the wise Apothegm quoted in their Behalf; unless they can shew that, by departing from a strict Observation of the Treaties, with respect to *Dunkirk*, they have avoided a greater Evil, than the Danger of seeing this Port restored, is and must be reputed; or else that they have procured to their Country a greater Good, than that of keeping *Dunkirk* in the State, to which it was reduced and in which it was to continue, according to the Treaties.

If this sole Excuse, which can be made for our Ministers, will avail them little, when it comes to be tried by the Rules of Reason; it will be quite exploded, when we have Recourse to Experience, and compare the Conduct, which was held by our Ministers, in the Year 1716 and 1717, with that which hath been held for these three or four last Years, as well as the Situation of Affairs, at that Time, with the Situation of Affairs, during the latter Period.

The Purport of the *Provisional Agreement* made in 1716, which was inserted in the fourth Article of the Alliance made in 1717, hath been already mentioned. The *French* were far from consenting easily to make this Step; and nothing less than the Firmness which we then shewed, could have forced them to it. I doubt not but they would gladly have destroyed entirely the Canal of *Mardyke*, if they might have been permitted to have had that *Rigolle*, or Gut (for there appears an Affectation in calling it any thing but what it is, a Chancel) which hath been allowed them since. The Harbour of *Dunkirk* is a Tide-Harbour, and therefore liable to much Inconveniency; but this Inconveniency was, in great Measure, remedied by the Situation of the old Channel, now *restor'd*, which runs strait down to the Sea from the Harbour, and hath the Road before it, in which Ships may, at all times, come to an Anchor, though they cannot at all times get into the Port.

The Canal of *Mardyke* runs a great way about, and makes an Elbow, before it can descend to the Sea; and when it comes there hath no Road across the Entrance of it; for which Reason, *Dunkirk*, can never be of that Advantage to *France*, and of that

that Danger to us, with this opening of the Sea, as with the other.

The late King therefore consented, as is observed above, to leave the Canal of *Mardyke*, reduced according to the Terms of the *Provisional Agreement*; but he was so far from giving the least Way to any thing, that might tend to open the old Channel, that he expressly stipulated the doing of every thing necessary for the farther, and more complete Destruction of it. Thus We see the Difference between our former and our latter Conduct. Let us consider how we stood, at that time, with *France*, and what was the general Situation of our Affairs.

We were then as closely united with *France* as we are now, and the Maxims of cultivating this Union prevailed as strongly in our Councils. A Storm from the North, was then much more to be fear'd than now. The late Czar's Grandfather was then alive. The famous King of *Sweden* was alive likewise. How we stood with those Princes, and what we had to apprehend from their Intrigues, and from their Arms, I need not explain. At Home there was some Remains of a Rebellion not totally extinguish'd, and a *Jacobite* Party still in being. The *Swedish* Plot against the Government was carrying on at that time. *Albaroni* was ripening his formidable Schemes, which he began to execute in 1717, and we were, in Concert with *France*, taking Measures to oppose them.

Let me ask now any Man, of common Ingenuity, whether an Argument, drawn from the Situation of Affairs, to excuse some Compliances with *France*, might not have been urged with a better Grace at that Time, than it could be urged, for the same Purpose, now? He will certainly answer that it might; and yet it is urged now, not to excuse some little Compliances, but to excuse what hath been done, in direct Contradiction to the Treaties, and for giving up to *France* a great Part of the Advantage and Security, which We were in Possession of by them.

This Difference of Conduct is therefore not to be accounted for by the Difference of Times and Situations, and is to be accounted for by nothing, but by the Difference of Men. We had then other Ministers at Home to give Instructions, and another Minister at *Paris* to execute them. The Times and our Situation, in the Years 1716 and 1717, were not most favourable to us than the Times and our Situation in the Years 1727, 1728 and 1729; and our national Interest, with Respect to *Dunkirk*, hath been exactly the same in both; but our Ministers had not then negotiated themselves into an absolute Dependence on *France*, nor learned, perhaps, a Lesson, that it is much more easy and profitable to evade or defeat a Parliamentary Enquiry, than to govern well at Home, and to support the Interests of the Honour, and the Dignity of the Nation Abroad.